

**REMARKS****Summary of the Office Action**

Claims 1 and 5 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the combination of Okunoki (U.S. Patent No. 5,808,682) (hereinafter "Okunoki") and Okada (U.S. Patent No. 5,729,295) (hereinafter "Okada").

Claims 4 and 8 rejected under 35 U.S.C. § 103(a) as being unpatentable over Okunoki as applied to claims 1 and 5 above, and further in view of Takeuchi (U.S. Patent No. 5,990,860) (hereinafter "Takeuchi").

Claims 9 and 11 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Okunoki and Okada as applied above and further in view of Crosby (U.S. Patent No. 5,223,493) (hereinafter "Crosby").

Claims 10 and 12 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Okunoki and Okada as applied above and further in view of Chase (U.S. Patent No. 6,529,214) ("hereinafter "Chase").

**Summary of the Response to the Office Action**

Applicants have canceled claims 4 and 8 without prejudice or disclaimer. Applicants have also amended claims 1 and 5 to differently describe embodiments of the disclosure of the instant application's specification and/or to improve the form of the claims. Accordingly, claims 1, 5 and 9-12 remain pending for consideration.

**Rejections under 35 U.S.C. § 103(a)**

Claims 1 and 5 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the combination of Okunoki and Okada. Claims 4 and 8 rejected under 35 U.S.C. § 103(a) as being unpatentable over Okunoki as applied to claims 1 and 5 above, and further in view of Takeuchi. Claims 9 and 11 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Okunoki and Okada as applied above and further in view of Crosby. Claims 10 and 12 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Okunoki and Okada as applied above and further in view of Chase.

In the previous responses filed to date in this application, Applicants have provided detailed distinctions between embodiments of the disclosure of the instant application, as recited in the claims, and the applied Okunoki and Okada references. Applicants respectfully submit that these arguments still apply.

The Examiner states at page 2, section 2 of the latest Office Action that Applicants' arguments as included at page 9 of the 'remarks' filed on May 26, 2005 allegedly "refer to limitations not from the claims, but from applicant's specification." In response, Applicants have opted to further amend each of independent claims 1 and 5 to differently describe embodiments of the disclosure of the instant application's specification. In particular, the features of claim 4 have been added to independent claim 1 and the features of claim 8 have been added to independent claim 5. Also, additional new features have been added to each of amended independent claims 1 and 5 in order to advance the prosecution of this application. Accordingly, claims 4 and 8 have been canceled without prejudice or disclaimer. To the extent that these rejections might be deemed to apply to the claims as newly-amended, they are respectfully traversed for at least the following reasons.

Applicants respectfully submit that the combinations described in newly-amended independent claims 1 and 5 include in the image data memory: 1) a plurality of element static image information that constitutes a moving image; and 2) static image information corresponding to the static image displayed in the monitor during the function selecting processing. In other words, as explained in detail in the previously-filed responses in this application, the image data memory includes a mixture of both: 1) the plurality of element static image information that constitutes a moving image, for which size adjustment is necessary; and 2) static image information, for which size adjustment is unnecessary.

In addition, Applicants have added a specific feature that the "moving image is connected between said one static image and said another static image" to each of independent claims 1 and 5 to even further distinguish from the applied art of record. As described in the specification, the moving image feature is presented to the user between two separate static images to enhance the user's interactive experience.

Applicants respectfully submit that these advantageous features of the instant application's claims are neither disclosed, nor suggested, in any of Okunoki, Okada and Takeuchi, whether taken separately or in combination with each other.

As discussed above, features of previous claim 4 are among the newly-added features to independent claim 1. At page 4 of the latest Office Action, the Examiner states that particular features recited in claim 4 are disclosed at col. 13, line 58 - col. 14, line 15, and FIG. 10 of Takeuchi. Applicants respectfully traverse this interpretation, however, because Takeuchi merely discloses that a static image and a moving image are displayed at the same time as illustrated in FIG. 10 of Takeuchi. Applicants respectfully submit that there is no teaching, or even a suggestion, of providing the moving images so that they are connected between one static

image and said another static image, as described in newly-amended independent claims 1 and 5. Instead, Takeuchi's teaching of a simultaneous display of static images and moving images would teach away from the instant application's teaching of displaying the moving images between two separate static images.

In addition, Applicants respectfully submit that, in embodiments of the instant application, because the amount of the element static image information comprising the moving image information is less than that for the other static image information, the moving image information is read from the image information storing device at a high speed. As a result, a plurality of the static images used for the selecting function are displayed and are connected with the moving images so that the static image and moving images are displayed as if they were an continual animation. This advantageous feature of the newly-amended claims of the instant application results in enhanced user interaction and makes function selecting a more fascinating and enjoyable experience for users.

Applicants respectfully submit that the applied references of record do not disclose, or even suggest, these particular features of the newly-amended claims. As a result, even assuming, strictly arguendo, that a skilled person were to combine Okunoki, Okada and Takeuchi, as asserted by the Office Action, Applicants respectfully submit that he would not be led to obtain the specific combinations described in each of newly-amended independent claims 1 and 5 of the instant application and he would thus not be led to obtain the above-described novel and advantageous effects of the instant application.

Accordingly, Applicants respectfully assert that the rejections under 35 U.S.C. § 103(a) should be withdrawn because none of Okunoki, Okada and Takeuchi, whether taken singly or combined, teach or suggest each feature of independent claims 1 and 5, as amended. MPEP §

2143.03 instructs that “[t]o establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. In re Royka, 409 F.2d 981, 180 USPQ 580 (CCPA 1974).” Furthermore, Applicants respectfully assert that dependent claims 9-12 are allowable at least because of their dependence from independent claim 1 or 5, and the reasons set forth above. Moreover, Applicants respectfully submit that the additionally applied reference to Crosby, with respect to claims 9 and 11, and the additionally applied reference to Chase, with respect to claims 10 and 12, do not cure the deficiencies discussed above with regard to Okunoki, Okada and Takeuchi .

### **CONCLUSION**

In view of the foregoing, Applicants submit that the pending claims are in condition for allowance, and respectfully request timely allowance of the pending claims. Should the Examiner feel that there are any issues outstanding after consideration of this response, the Examiner is invited to contact Applicants’ undersigned representative to expedite prosecution. A favorable action is awaited.

**EXCEPT** for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this

application including fees due under 37 C.F.R. § 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account No. 50-0573.

This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,

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